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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,037	03/31/2004	Yoichi Ushida	OKI 418	3824

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EXAMINER

YANG, CLARA I

ART UNIT PAPER NUMBER

2635

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,037

Applicant(s)

USHIDA, YOICHI

Examiner

Clara Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayes et al. (US 2002/0140571).

Referring to claim 1, Hayes teaches a remote control system comprising: (a) universal remote control device 10 (see Fig. 1 and Section [0043]), and (b) a plurality of controlled devices such as personal computers, set top boxes, television (TV) sets, etc. (see Sections [0093] and [0135]). Hayes's remote control 10 includes: (1) touch panel overlay 184 (i.e., an input unit) consisting of a plurality of function keys depending on the type, model, and functionality of the device to be controlled (see Figs. 1 and 3; and Sections [0044], [0046], [0047], [0117], [0119], and [0130]); (2) display module 180 comprising liquid crystal display (LCD) glass 182 that displays functions associated with the function keys, such as "PWR" for the power function key or

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"TV/VID" for the function key to toggle between a TV and another video source (see Fig. 1 and Sections [0043], [0044], [0046], [0117], [0119], and [0123]-[0127]); (3) main processor 101 that controls LCD module 180 based on Hyper Text Markup Language (HTML) programs and outputs control information representing the function associated with a signal inputted from a function key (see Sections [0046], [0048], [0112]-[0114], [0117], [0135], [0137], and [0138]); and (4) radio frequency (RF) transceiver 130 that incorporate the control information into packets/frames and transmits the control information packets via an RF channel (see Section [0047], [0049], and [0093]-[0105]). As for the controlled devices, each controlled device must have at least: (1) an RF receiving unit for receiving the control information packets transmitted by remote control 10 (see Fig. 22 and Sections [0093]-[0105] and [0135]); and (2) a plurality of function execution units, such as a channel tuner or a power control module, each of which interprets/decodes the desired function contained in the received control information packet and executes the function, such as changing a channel, designated by remote control 10.

Regarding claim 3, as explained in the previous rejection of claim 1, Hayes teaches that remote control 10's main processor 101 controls LCD module 180 based on HTML programs.

4. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Vidal (US 6,914,551).

Referring to claims 1 and 2, Vidal discloses a system, as shown in Fig. 1, comprising (a) universal remote control 102 and (b) a plurality of controlled devices including TV 104, video tape player (VCR) 106, video disk player 108, stereo 110, home device control 112, and computer system 114 (see Col. 3, lines 42-48). As called for in claims 1 and 2, Vidal's remote control 102 includes: (1) input module 412 consisting of a plurality of keys presented on an LCD touch screen (see Col. 5, lines 30-33); (2) an LCD module 410 that displays functions (e.g.,

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rewind, pause, play, stop/eject, and fast-forward) associated with the touch screen function keys (see Fig. 3, display region 304; Col. 4, lines 43-53; Col. 5, lines 27-33 and 54-64; and Col. 6, lines 30-42 and 46-49); (3) processor 404 (i.e., control information creating unit) that causes LCD module 410 to display information based on a program coded in an extensible markup language (XML) (i.e., a specific language) and outputs control information about a corresponding function based on a signal inputted from a selected function key (see Col. 4, lines 28-34 and 51-53; Col. 5, lines 6-11; and Col. 6, lines 30-42 and 46-50); and (4) communication module 408 comprising a transmitting unit that incorporates the control information into data packet(s)/frame(s) in compliance with a Bluetooth™ protocol and transmits the data packet(s) via an RF channel (see Col. 3, lines 57-65; Col. 4, lines 51-53; and Col. 5, lines 20-26). As further called for in claim 2, Vidal's remote control 102 includes: (5) communication module 408 comprising a receiving unit that receives data packet(s) in compliance with a Bluetooth™ protocol from appliance 402 via the RF channel (see Col. 3, lines 57-65; Col. 4, lines 28-34 and 39-47; Col. 5, lines 20-26; and Col. 6, lines 50-53); and (6) processor 404 having a display control unit that decodes appliance 402's data packet(s) received by communication module 408 and causes the information to be displayed on LCD module 410 (see Col. 4, lines 16-20, 28-53; Col. 6, lines 30-42; and 46-58). Referring to Fig. 4, Vidal's appliance 402, as called for in claims 1 and 2, includes: (1) communication module 418 having a receiving unit that receives data packets transmitted from remote control 102 (see Col. 3, lines 57-65; Col. 5, lines 20-26 and 65-67; and Col. 6, lines 1-58); (2) a plurality of function execution units, such as a playback module for playing a tape or an ejection module to eject a tape, each of which interprets/decodes the desired function contained in the received control information packet and executes the function, such as playing a tape, designated by remote control 102 (see Col. 4, lines 43-64 and Col. 6, lines

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49-52). And as additionally called for in claim 2, Vidal's appliance 402 comprises: (3) processor 414 (i.e., a result information creating unit) that creates a reply concerning the function executed based on the received control information (see Col. 4, lines 34-42 and Col. 6, lines 50-58); and (4) communication module 418 having a transmitting unit that incorporates the reply into a data packet/frame and transmits the reply to remote control 102 via an RF channel (see Col. 3, lines 57-65; Col. 4, lines 36-53; Col. 5, lines 20-26 and 39-42; and Col. 6, lines 50-58).

Regarding claims 3 and 4, Vidal discloses that the program for displaying a menu is based on a markup language or hypertext transfer protocol (HTTP) (see Col. 2, lines 20-22; Col. 4, lines 30-34; Col. 5, lines 44-47; and Col. 6, lines 36-38). Because HTTP is a communication protocol used to transmit HTML pages to a client browser, a menu must be based on HTML when HTTP is used.

Regarding claim 5, remote control 102's processor 404 outputs a menu specification (i.e., display information request) request for requiring appliance 402 to send menu specifications and control information associated with the menu specifications, wherein appliance 402 has persistent storage 416 (i.e., nonvolatile memory) that stores therein display specifications transmitted to remote control 102 in response to remote control 102's menu specifications request (see Col. 4, lines 39-43; Col. 5, lines 43-47 and 65-67; and Col. 6, lines 1-2 and 30-42).

Regarding claim 6, Vidal discloses that appliance 402 provides specifications for its menu to be displayed on remote control 102's LCD and also forwards the entries on the input mechanism such that remote control 102 needs no special knowledge about appliance 402 (see Col. 1, lines 60-67). In other words, Vidal's appliance 402 transmits menu specifications and control information to remote control 102 such that remote control 102 is able to display appliance 402's menu and send the control request/instruction code associated with a selected

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function key (see Col. 3, lines 66-67; Col. 4, lines 1-3 and 28-53; and Col. 6, lines 30-58). Because remote control 102 is able to control a plurality of appliances and each appliance is able to determine when it is selected by remote control 102 (see Figs. 2 and 7; Col. 3, lines 42-48; Col. 4, lines 5-20, 28-34, and 36-43; Col. 5, lines 65-67; and Col. 6, lines 1-2, 28-36, and 46-52), Vidal's remote control 102 must transmit a control information identifier for identifying the appliance that is to be controlled by the control request/instruction code related to the operations of the selected function keys. Furthermore, Vidal specified that remote control 102 and appliance 402 communicate via a Bluetooth™ protocol (see Col. 2, lines 13-15; Col. 3, lines 60-63; and Col. 5, lines 24-26), which requires data to be transmitted as data packets. A basic data packet, as known by one of ordinary skill in the art, includes three principal elements: a header, which includes the addresses of the target device (i.e., control information identifier) and the originating device, a payload (i.e., a single or plural instruction code), and a trailer.

Regarding claim 7, Vidal teaches that appliance 402 transmits a reply (i.e., result information), which must contain (1) appliance 402's address (i.e., result information identifier) since appliance 402 and remote control 102 exchange data packets (as explained in the previous rejection of claims 2 and 6) and (2) result data indicative of the result of execution of an execution of a function, such as the play function (see Col. 6, lines 49-58). Assuming that appliance 402 is a VCR, Vidal teaches that appliance 402 receives a control request for the "play" function, executes the control request, and transmits a reply having contents on the "play" function (i.e., result data), such as the title of the movie being played and the playing time of the movie (i.e., contents related to the present value of appliance 402) (see Col. 6, lines 50-58).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vidal (US 6,914,551) as applied to claims 1 and 2 above, and further in view of Hayes et al. (US 2002/0140571).

Regarding claims 3 and 4, Vidal discloses that the program for displaying a menu is based on a markup language such as XML (see Col. 2, lines 20-22; Col. 4, lines 30-34; Col. 5, lines 44-47; and Col. 6, lines 36-38). Vidal fails to expressly teach using HTML.

In an analogous art, as explained in the previous 35 USC § 102(b) rejection of claim 1, Hayes teaches that remote control 10's main processor 101 controls LCD module 180 based on HTML programs.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vidal's menu specifications such that they are based on HTML as taught by Hayes because HTML is the standard web formatting specification and is consequently well known and easily incorporated into systems requiring display formatting.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Allport (US 6,104,334) teaches a remote control with an LCD that displays the current status of a controlled device.
- Yang (US 6,133,847) teaches a remote control with an LCD that displays function keys and the function associated with each key. The controlled appliance transmits program code to the remote control such that the remote control's function keys are configured to control the functions of different appliances by utilizing the control program associated with each particular appliance.
- Hayes et al. (US 2003/0189509) teach configuring a remote control to access and download command codes, graphical user interface elements, and services. The remote control has an LCD with function keys having their functions indicated on the LCD.
- Hayes et al. (US 6,781,518) teach a remote control that controls a plurality of devices, wherein each device to be controlled provides a listing of its capabilities to the remote control and the remote control displays only the function keys corresponding to a device's capabilities on the LCD.
- Ben-Ze'ev (US 6,791,467) teaches an adaptive remote control that is RF-based and supports bidirectional communication with a plurality of controlled devices. The remote control receives a set-up file from each device and displays the function keys of a controlled device on an LCD.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (571) 272-3062. The examiner can normally be reached on 8:30 AM - 7:00 PM, Monday - Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CY

13 March 2006



BRIAN ZIMMERMAN
PRIMARY EXAMINER